

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

SOO LINE RAILROAD COMPANY,	)
a Minnesota corporation,	)
120 South 6 <sup>th</sup> Street, #500	)
Minneapolis, MN 55402,	)
	)
Plaintiff,	)
v.	)
	)
STEEL WAREHOUSE OF WISCONSIN LLC,	)
a domestic limited liability company	)
535 W. Forest Hill Avenue	)
Oak Creek, WI 53154-2909	)
	)
KEVIN C. HALL	)
4011 Riverside Drive	)
South Bend, IN 46628-3873,	)
	)
and	)
	)
THE TRAVELERS INDEMNITY COMPANY	)
OF CONNECTICUT, a foreign company	)
1 Tower Square	)
Hartford, CT 06183,	)
	)
Defendants.	)
	)
	)

**COMPLAINT**

Plaintiff Soo Line Railroad Company for its Complaint against Defendants Steel Warehouse of Wisconsin LLC, Kevin C. Hall and The Travelers Indemnity Company of Connecticut alleges as follows:

## **PARTIES**

1. Plaintiff, Soo Line Railroad Company (“Soo Line”), is a Minnesota corporation engaged in the railroad business, with a principal place of business at 120 South 6<sup>th</sup> Street, #500, Minneapolis, Minnesota, 55401.

2. Defendant Steel Warehouse Company of Wisconsin LLC (“Steel”) is a Wisconsin domestic limited liability company, with a registered agent named Gerald F. Lerman and a principal place of business at 535 W. Forest Hill Avenue, Oak Creek, Wisconsin, 53154-2909.

3. Upon information and belief, Defendant Kevin C. Hall (“Hall”) is an adult resident of the State of Indiana, with his primary address of 4011 Riverside Drive, South Bend, Indiana, 46628-3873.

4. Defendant The Travelers Indemnity Company of Connecticut (“Travelers”) is a privately-held company with a principal place of business at 1 Tower Square, Hartford, Connecticut, 06183, with a registered agent at CT Corporation Systems, 67 Burnside Avenue, East Hartford, Connecticut, 06108.

## **JURISDICTION AND VENUE**

5. Jurisdiction is proper in this Court under 28 U.S.C. §1332(a)(1). Complete diversity of citizenship exists between the parties, and the amount in controversy involves, exclusive of interest and costs, sums in excess of \$75,000.00.

6. Venue is proper in this District under 28 U.S.C. § 1391(b)(1), because Defendant Steel is located in this District and the incident out of which Soo Line’s claims arise occurred in this District.

## **CLAIM FOR RELIEF**

7. On March 22, 2019, Hall was employed by and/or operating a vehicle owned or controlled by Steel.

8. The vehicle Hall was operating was a 2017 Kenworth semi-truck and trailer with Indiana apportioned license plate number 231992 and Vehicle Identification Number 3WKAD49X8HF157273 (the “Truck”).

9. Hall was driving the Truck southbound on Main Street in Oconomowoc, Wisconsin.

10. A railroad grade crossing was located across Main Street, at the north side of the intersection with Second Street, with the railroad tracks running parallel to Second Street.

11. Soo Line owned and maintained a grade crossing signal at the grade crossing, consisting of warning lights and bells, and gates which lowered across the oncoming traffic lanes on Main Street on the north and south sides of grade crossing.

12. As Hall approached grade crossing, the warning lights and bells were activated.

13. Hall continued through the grade crossing and began to turn the Truck right onto Second Street, driving The Truck over the railroad tracks.

14. The front end of the Truck did not have room to clear an island in the center of Second Street, requiring Hall to back the Truck northbound on Main Street in an attempt to have a wider angle for clearance to turn right onto Second Street.

15. While backing up the Truck, the trailer of the Truck remained across the railroad tracks in the grade crossing, as the grade crossing gate on the north side of the tracks came down on the trailer.

16. As a train operated by Soo Line approached the grade crossing from the west, the trailer of the Truck remained across the tracks.

17. The conductor of the approaching train engaged the train's emergency brakes.

18. The train did not stop before the train struck the trailer of the Truck.

19. As a result of the impact of the train striking the trailer of the Truck as the Truck was blocking the tracks (the "Impact"), the lead locomotive on the train (the "Locomotive") sustained damage.

20. As a result of the Impact, the grade crossing signal sustained damage.

21. Hall did not yield to the grade cross warning lights and the grade crossing gate while operating the Truck. Hall thereby failed to exercise ordinary care. Hall's actions or failure to act resulted in property damage to the locomotive and the grade crossing signal.

22. As a direct and proximate result of Hall's actions or failure to act, Soo Line has sustained damages in the sum of at least \$769,913.40 as set forth below:

A. For the costs of repairing the Locomotive;

B. Loss of use of the Locomotive;

C. Costs Soo Line had to pay to the owner of the locomotive, Union Pacific Railroad Company ("UP"), under an agreement that required Soo Line to make payments to UP while the locomotive was in Soo Line's possession or constructive possession, regardless of whether the locomotive was in use; and

D. The cost of repairing the grade crossing signal.

23. Hall was acting within the scope of his employment with or for Steel when he caused damage to the locomotive and grade crossing signal. Steel is vicariously responsible for Hall's negligence.

24. Travelers, or one of its related companies, had issued an insurance policy that was effective or in force on March 22, 2019, and that provided insurance coverage for or to Steel, Hall and/or the Truck.

WHEREFORE, Soo Line demands judgment against Kevin C. Hall, Steel Warehouse Company of Wisconsin LLC, and The Travelers Indemnity Company of Connecticut as follows:

- A. Compensatory damages of \$769,913.40;
- B. Its attorney's fees and expenses as allowed by law;
- C. Pre-judgment interest as allowed by law;
- D. Its costs and disbursements as allowed by law; and
- E. Such other relief as the Court deems just and proper.

#### **JURY DEMAND**

Soo Line demands a jury trial.

Dated this 14<sup>th</sup> day of March, 2022.

By: s/ Melinda A. Bialzik

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